**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION.**

CRIMINAL APPLICATION NO.3531 OF 2004

Shri Shamsuddin alias
Shamabhai Kasam Mujawar, .. Applicant

Vs

State of Maharashtra, .. Respondent

Mr Anil V.Dhavale, for the applicant.

Mr S.R.Shinde, APP for the respondent.

**CORAM : D.B.BHOSALE,J.**

**DATE : 30th August, 2004**

**PC:**

1. Heard Mr.Dhavale, learned counsel for the applicant and Mr.Shinde, learned A.P.P for the respondent.

2. The applicant has approached this Court for being released on bail in C.R.No.108 of 2003 registered at Wadgaon-Nimbalkar Police Station under sections 320, 323,342,143,147,149,504,506 read with 120-B of Indian Penal Code. The occurrence in the present case took place at about 7.30 pm on 26.12.2003 in which the applicant and six others allegedly committed the murder of Laxman alias Tatyasaheb by means of sharp weapons.

3. Mr.Dhavale, lerned counsel for the applicant, at the outset, submitted that the applicant is entitled for bail on parity with co-accused Khadubuddin Kasam and Kajuddin Mujawar, original accused nos 3 and 4 since,

according to him, the role allegedly played by the present applicant and these two accused is similar. Mr Shinde, learned APP did not controvert the statement made by Mr Dhavale, learned counsel for the applicant. Keeping that in view and considering the overall facts and circumstances of the case, I am satisfied that the applicant is entitled for bail on parity since there does not seem to be any difference between the role of the applicant and original accused nos 3 and 4. Hence, I pass the following order:

4. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.10,000/- with one or two sureties of the like amount to the satisfaction of the trial Court, subject to the condition that he shall not enter within the jurisdiction of Wadgaon-Nimbalkar Police Station, until the conclusion of his trial. He shall keep his address informed to the concerned police station of the place where he proposes to stay during the aforesaid period and shall report to the nearest police station from the place of his residence on every Saturday between 10 am and 11 am until the conclusion of his trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

**(D.B.BHOSALE, J.)**